

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11958-RGS

MARTIN J. GALVIN, JR., ED.D,)
Plaintiff)
VS.)
THE TOWN OF YARMOUTH,)
PETER L. CARNES AND STEVEN XIARHOS)
Defendants)

JOINT MOTION TO EXTEND TRACKING ORDER DEADLINES

The parties hereby jointly request an extension of the Court's scheduling conference deadlines by a period of six months, with discovery to conclude on May 1, 2006 and all other deadlines to be similarly extended. In support of this motion, the parties cite the following grounds:

1. This is a civil rights case alleging the wrongful disclosure of Criminal Offender Record Information pertaining to the plaintiff. It is alleged that after taking the plaintiff into protective custody for intoxication, members of the Yarmouth Police conveyed this information to the plaintiff's employer—the Waterbury Connecticut School Department. The plaintiff alleges that as a result, his employment status and his pending divorce proceedings were negatively affected.
2. The parties have worked diligently to obtain the required discovery from the City of Waterbury School Department. This includes the plaintiff's complete personnel file and the deposition of the Superintendent of Schools (the plaintiff's supervisor). These efforts have been delayed by the recent selection of a new attorney to represent the School Department.

3. The parties have also worked diligently to obtain the required discovery relating to the plaintiff's divorce proceedings, which took place in Connecticut, including court papers and hearing transcripts .
4. Despite the cooperative efforts of counsel for the plaintiff and defendant, the above-listed factors, including the distant location of the documents and witnesses, have delayed the completion of discovery.

Accordingly, the parties jointly request an extension of all Scheduling Conference deadlines in this case for a period of six months.

Respectfully Submitted,
Defendants,
By their attorney,

/s/ Thomas P. Campbell
Thomas P. Campbell, BBO #564124
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Plaintiff,
By his attorney,

/s/ Matthew P. Zayotti
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Dated: November 30, 2005

L.R. 7.1 CERTIFICATION

I hereby certify that on November 30, 2005, I spoke with counsel for the plaintiff after faxing him a draft version of this motion. He assented to filing of the joint motion. Therefore, I believe that I have complied with the requirements of Local Rule 7.1.

/s/ Thomas P. Campbell
Thomas P. Campbell, BBO #564124

Dated: November 30, 2005